

Alabama Administrative Rules & Regulations

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**ALABAMA BOARD OF COSMETOLOGY
ADMINISTRATIVE CODE**

**CHAPTER 250-X-1
ADMINISTRATION**

250-X-1-.01 Disciplinary Procedures And Actions.

(1) The Board may initiate investigations as appropriate by inspections or otherwise to determine compliance with state law and the rules and regulations of the Board.

(2) On the basis of investigate findings, the Board may file a complaint against any person or business licensed under the provisions of Section 34-7A, Code of Ala. 1975, or against any other person or business in violation thereof.

(3) The Board shall investigate written complaints filed by the public against any person or business licensed under the provisions of Section 34-7A, Code of Ala. 1975, or against any other person or business in violation thereof.

(4) The Board may require a licensee to submit a written and sworn statement to the Board in response to any complaint or investigation by the Board.

(5) All reports of investigations of complaints shall be submitted to the Investigative Committee of the Board.

(a) The Investigative Committee shall be composed of one Board member, the Board's attorney and the Executive Director of the Board. By vote the Board shall appoint a Board member to serve on the Investigative Committee on an annual basis.

(b) The Investigative Committee shall review the investigation and complaint to determine if probable cause exists for disciplinary or enforcement proceedings by the Board. The Board member participating in the probable cause determination by the Investigative Committee shall not participate in any disciplinary proceedings of the Board arising from the investigation.

(c) Two members shall comprise a quorum of the Investigative Committee.

(d) No Board member shall serve for longer than two (2) consecutive annual terms on the Investigative Committee. By vote the Board may remove or replace the designated Board member serving on the Investigative Committee for any reason.

(e) By vote the Board may appoint a substitute on the Investigative Committee for any complaint in which the designated Board member has a conflict of interest or is otherwise disqualified, including involvement as a possible witness to facts involved in the investigation.

(6) The Board shall refer investigations involving possible criminal violations of state law to the Alabama Attorney General or other appropriate state or local law enforcement agency and provide assistance as necessary to assure compliance with state laws and Board rules.

Author: Bob McKee

Statutory Authority: Code of Ala. 1975, 34-7A-15.

Filed February 15, 2005; effective March 22, 2005.

Amended: Filed September 7, 2005; effective October 12, 2005

250-X-1-.02 Administrative Complaint Procedures.

(1) When the investigative Committee determines disciplinary action against a licensee is necessary, the Board's attorney shall prepare a summons and administrative complaint to be executed by the Executive Director on behalf of the Board. However, the board may enter into settlement as referenced in paragraph 8 of Administrative Rule 250-X-1-.02 before issuance of any summons and complaint.

(2) The Board shall serve a copy of the summons and administrative complaint on the licensee against whom the complaint has been filed. The method of service shall be either certified mail with return receipt requested or personal service. If the Board is unable to obtain service of the summons and administrative complaint by certified mail or personal service, the Board or its attorney may serve the summons and administrative complaint by first class mail to the most recent address on file with the Board of the licensee against whom the complaint has been filed.

(3) The summons and administrative complaint shall give notice in substantial compliance with the Alabama Administrative Procedures Act, Section 12(b).¹

¹ Alabama Administrative Procedure Act, Section 12(b) reads as follows:

The notice shall include

- (1) A statement of the time, place, and nature of the hearing;
- (2) A statement of the legal authority and jurisdiction under which the hearing is to be held;
- (3) A reference to the particular sections of the statutes and rules involved; and
- (4) A short and plain statement of the matters asserted. If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished.

Section 41-22-12(b), Code of Ala. 1975.

(4) Upon service of the administrative complaint, the Board shall schedule an administrative hearing to be held within two months of the date the summons and administrative complaint has been served by certified mail or personal service. The administrative hearing shall be held at the offices of the Board or other location designated by the Board.

(5) If the person against whom the administrative complaint has been filed is a member of the Board, that Board member shall be notified in writing of the administrative charges by the Board's executive director and shall not participate in any proceedings or meetings related to the complaint.

(6) In all administrative charges issued by the Board, the Board's attorney shall serve as prosecuting attorney and shall present evidence in support of the administrative complaint at the administrative hearing conducted by the Board or its Hearing Officer.

(7) Following its investigation, if the Investigative Committee determines that no probable cause exists, the investigative proceedings shall be terminated and investigation of that complaint shall be closed.

(8) At any time during the investigation process, including the time that the Investigative Committee's investigation is in progress, the Board may enter into informal settlement agreements, provided the informal settlement is ratified and approved by the Board.

(9) The Board retains the discretionary authority to invoke the administrative complaint procedures set forth in these Rules against any person in lieu of instituting criminal proceedings against the unlicensed person. This provision does not restrict in any manner the authority of other state or local law enforcement agencies to pursue criminal penalties as otherwise provided by law.

Author: Bob McKee

Statutory Authority: Code of Ala. 1975, §34-7A-15.

History: Filed September 24, 1982. **New Rule:** Filed March 1, 2001; effective April 5, 2001. **Amended (See Ed. Note):** Filed July 1, 2002; effective August 5, 2002.

Repealed and New Rule: Filed February 15, 2005; effective March 22, 2005. **Amended:** Filed September 20, 2005; effective October 25, 2005.

Ed. Note: Rule 250-X-1-.02.01, Hearing Procedures, was renumbered 250-X-1-.02 after the original 250-X-1-.02, Composition And Selection Of Board was repealed as per certification filed July 1, 2002; effective August 5, 2002.

250-X-1-.03 Informal Settlement Proceedings.

(1) The Board or other party to an administrative proceeding may initiate informal settlement negotiations to resolve the administrative complaint or investigation by the Board.

(2) Neither the Board nor any other party is obligated to use informal settlement procedures or to participate in informal settlement negotiations.

(3) Any informal settlement shall be to terms that are negotiated to be in the best interest of the Board and the public and shall not become final until ratified and approved by the Board.

All informal settlement agreements ratified and approved by the Board shall be incorporated by reference in the official minutes of the Board.

Author: Bob McKee

Statutory Authority: Code of Ala. 1975, §34-7A-15.

History: New Rule: Filed February 15, 2005; effective March 22, 2005.

250-X-1-.04 Consolidation Of Administrative Proceedings.

(1) The Board or its Hearing Officer may order the consolidation, in whole or in part, of two or more administrative proceedings whenever it appears the matters are substantially related and that such consolidation would expedite or simplify consideration of the issues, and no party would be prejudiced thereby. This consolidation may include multiple cases involving the same parties or may include multiple cases involving different parties provided that the other requirements of consolidation have been met.

(2) Any party may request that the Board or its Hearing Officer sever any part of an administrative proceeding that has been consolidated when it appears the consolidation will not expedite or simplify consideration of the issues or that party will be prejudiced by the continued consolidation of proceedings.

Author: Bob McKee

Statutory Authority: Code of Ala. 1975, §34-7A-15.

History: Filed September 24, 1982. **Repealed:** Filed July 1, 2002; effective August 5, 2002. **New Rule:** Filed February 15, 2005; effective March 22, 2005.

250-X-1-.05 Motions.

(1) All motions, except those made orally on the record during an administrative hearing, shall be in writing and shall state the grounds in support of motions. All motions shall describe the relief sought and shall include any legal authority relied upon for relief. A copy of each motion filed with the Board shall be served on all parties accompanied by a certificate of service describing the method of service of the motion on other parties.

(2) The Board or its Hearing Officer may permit the non-moving party to file a response to any motion. Any response filed shall be served on the other parties in the same manner as required for the filing of motions.

(3) Any party may submit affidavits or other legal evidence in support of a motion or response provided such evidence is served on the other parties as an attachment to the motion or response filed with the Board.

Author: Bob McKee

Statutory Authority: Code of Ala. 1975, §34-7A-15.

History: Filed September 24, 1982. **Repealed:** Filed July 1, 2002; effective August 5, 2002. **New Rule:** Filed February 15, 2005; effective March 22, 2005.

250-X-1-.06 Pre-hearing Procedures.

(1) The time requirements for conducting an administrative hearing may be waived by the filing of a written joint motion of the parties indicating an agreement to delay the proceedings and including a brief statement of the reasons for the requested delay. The Board or its Hearing Officer shall retain the discretionary authority to grant or deny the request to delay the proceedings.

(2) The Board or its Hearing Officer may require the parties to appear at a specified time and place in advance of the hearing for one or more pre-hearing conferences to consider:

(a) The settlement of the case;

(b) The identification and/or clarification of the contested issues;

(c) The submission of admissions or stipulation to facts;

(d) The stipulation to the genuineness of documents that avoid unnecessary witnesses or proof;

(e) The identification of any facts of which official notice is proposed to be taken;

(f) The identification of any expert witnesses expected to testify and the substance of any opinion to which the expert witness may testify;

(g) And any other such matters that may be necessary or relevant to the determination of the issues involved in the administrative hearing.

(3) The Board or its hearing officer shall issue a written pre-hearing order reciting the actions taken at any pre-hearing conference, including any stipulations or agreements by the parties regarding the issues to be resolved at the administrative hearing.

Author: Bob McKee

Statutory Authority: Code of Ala. 1975, §34-7A-15.

History: Filed September 24, 1982. **Repealed:** Filed July 1, 2002; effective August 5, 2002. **New Rule:** Filed February 15, 2005; effective March 22, 2005.

250-X-1-.07 Pre-hearing Discovery.

(1) Pre-hearing discovery shall be permitted only upon determination by the Board or its Hearing Officer that:

(a) The discovery will not unreasonably delay the proceedings;

(b) The discovery sought has significant probative value to the issues involved in the administrative hearing;

(c) The discovery sought will prevent fraud;

(d) The discovery sought will prevent undue surprise at the administrative hearing;

(e) And/or the discovery sought will otherwise provide fundamental fairness to the parties to the administrative hearing.

(2) All discovery sought must relate to charges contained in the administrative complaint or defenses to those charges.

(3) The following methods of discovery are available, pursuant to the discretion of the Board or the Board's Hearing officer:

(a) Depositions upon oral examinations of expert witnesses;

(b) Interrogatories to the Respondent;

(c) Production and copying of documents and things;

(d) Request for admissions to the Respondent;

(e) Requests for entry upon land for inspection and other purposes against any person.

(4) All discovery should be conducted in accordance with any terms and conditions imposed by the Board or its Hearing Officer. These terms and conditions may be imposed to protect the parties or other persons from annoyance, embarrassment, oppression, or undue burden and expense. Court reporters' fees and reasonable copying costs shall be borne by the party requesting discovery.

(5) Depositions of all parties and their employees, agents, and other persons under their control shall be conducted at the Board's offices in Montgomery, Alabama unless another location is agreed upon by all parties.

Author: Bob McKee

Statutory Authority: Code of Ala. 1975, §34-7A-15.

History: Filed September 24, 1982. **Repealed:** Filed July 1, 2002; effective August 5, 2002. **New Rule:** Filed February 15, 2005; effective March 22, 2005.

250-X-1-.09 Failure Of A Party To Appear. If a party fails to appear at a hearing after being given notice of the hearing as required by these Rules, the Board or the Board's Hearing Officer may proceed with the hearing in the absence of the party.

Author: Bob McKee

Statutory Authority: Code of Ala. 1975, §34-7A-15.

History: Filed September 24, 1982. **Repealed:** Filed July 1, 2002; effective August 5, 2002. **New Rule:** Filed February 15, 2005; effective March 22, 2005.

250-X-1-.10 Administrative Hearing Procedures.

(1) The Board may appoint a person to act on its behalf as Hearing Officer at its administrative hearings. The Hearing Officer shall preside at administrative hearings and shall rule on all questions of evidence and procedure. The Hearing Officer shall admit all evidence that is relevant, material, and which has probative value to the issues under consideration by the Board. Offers of settlement and compromise are not admissible. The Hearing Officer shall consider the evidence presented and submit a recommendation to the Board, including: a procedural summary of the case; findings of fact; conclusions of law; and a recommended decision on the issues included in the administrative complaint including, if necessary, suggested administrative punishment pursuant to the charges in the administrative complaint. The Hearing Officer's recommendations shall be considered by the Board but are not binding on the Board. Within sixty (60) days after receipt of the Hearing Officer's recommendation, the Board shall issue an appropriate administrative order modifying, approving, or rejecting the recommendation. If the hearing was conducted by the board itself, the Board shall issue its order within sixty (60) days after receipt of the court reporter's transcript of the administrative hearing. The Board's order in all instances shall include a procedural history of the case, findings of fact, conclusions of law, and its decision regarding the issues contained within the administrative complaint, including, if necessary, the appropriate administrative punishment.

(2) Prior to the taking of witness testimony at the administrative hearing, the Respondent or Respondents shall enter a plea of "guilty" or "not guilty" to each charge contained in the administrative complaint.

(3) All parties shall be allowed to make a concise opening statement regarding the charges in the administrative complaint, defenses to the administrative complaint, expected testimony and evidence, and any proposed administrative punishment.

(4) The parties shall be allowed to present evidence by direct and cross-examination. The executive director, or a designee acting on behalf of the Investigative Committee, shall present its evidence first followed by the other parties in the order determined by the Board or its Hearing Officer. Examination of witnesses shall not be unduly repetitious. The testimony of all parties and witnesses shall be made under oath administered by the Board or the Board's Hearing Officer.

(5) The Board or the Board's Hearing Officer may examine and question any party or witness regarding the administrative complaint and defenses thereto.

(6) All parties shall be allowed to make a brief closing statement summarizing the evidence presented and regarding the applicability or relevant state law and/or Board rules and regulations.

(7) All testimony and statements given in this administrative hearing shall be electronically or stenographically recorded. Any party wishing to obtain a transcript of the hearing shall make arrangements with the court reporter to receive a copy of the transcript at their own expense.

(8) The parties shall not be bound by the strict rules of evidence prevailing in the courts. Evidence shall be submitted in accordance with the Alabama Administrative Procedures Act, Section 13.² The administrative complaint

² Alabama Administrative Procedures Act, Section 13 reads as follows:

In contested cases:

- (1) The rules of evidence as applied in nonjury civil cases in the circuit Courts of this state shall be followed. When necessary to ascertain Facts not reasonably susceptible of proof under those rules, evidence Not admissible there under may be admitted (except when precluded by statute) if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Agencies shall give effect to the rules of privilege recognized by law. Except as hereinafter provided, objections to evidentiary offers may be made and shall be noted in the record. Whenever any evidence is excluded as inadmissible, all such evidence existing in written form shall remain a party of the record as an offer of proof. The party seeking the admission of oral testimony may make an offer of proof by means of a brief statement on the record describing the testimony excluded. All rulings on the admissibility of evidence shall be

and all attachments thereto shall be made a part of the administrative record for consideration by the Board without further authentication.

(9) The Board or its Hearing officer may admit into evidence the deposition of any witness who is not subject to the subpoena power of the Board or who is unable to be present to testify at the hearing because of death, physical or mental illness, or other good reason at the discretion of the Board or its Hearing Officer.

(10) All exhibits that are offered into evidence, whether admitted or not, shall be made a part of the administrative record in the case and be included as part of the court reporter's original transcript of the hearing. The party who offers each exhibit shall be permitted to substitute a true copy of the exhibit for the original exhibit upon request to and permission by the Board or its Hearing Officer.

final and shall appear in the record. Subject to these requirements, when a hearing will be expedited and interests of the parties will not be prejudiced substantially, any part of the evidence may be received or may be required to be submitted in verified form; provided, the adversary party shall not be denied the right of cross-examination of the witness. The testimony of parties and witnesses shall be made under oath. Provided, however, in the hearing of a contested case where judicial review of the case is by trial de novo, the agency may announce that it shall not be necessary that objections be made during the hearing and upon such announcement, it shall not be required or necessary that objection to be made to any testimony or evidence which may be offered by either party, and on the consideration of such cases the agency shall consider only such testimony and evidence as is relevant, material, competent and legal, and shall not consider any testimony or evidence which is irrelevant, immaterial, incompetent or illegal, whether objection shall have been made thereto or not, and whether such testimony be brought on direct, cross or re-direct examination, or is hearsay. The agency shall not be required to point out what testimony or evidence should be excluded or not considered. Either party, on submission, shall have the privilege of calling attention to any testimony or evidence which is deemed objectionable. If specific objection be made to any evidence and a ruling made thereon by the agency, this exception shall not apply to such evidence.

- (2) Documentary evidence otherwise admissible may be received in the form of copies of excerpts, or by incorporation by reference to material already on file with the agency. Upon request, parties shall be given an opportunity to compare the copy with the original.
- (3) A party may conduct cross-examination required for a full and true disclosure of the facts, except as may otherwise be limited by law.
- (4) Official notice may be taken of all facts of which judicial notice may be taken and of other scientific and technical facts within the specialized knowledge of the agency. Parties shall be notified at the earliest practicable time, either before or during the hearing, or by reference in preliminary reports, preliminary decisions or otherwise, of the facts proposed to be noticed and their source, including any staff memoranda or data, and the parties shall be afforded an opportunity to contest such facts before the decision is announced unless the agency determines as part of the record of decision that fairness to the parties does not require an opportunity to contest such facts.
- (5) The experience, technical competence, and specialized knowledge of the agency may be utilized in the evaluation of evidence. Section 41-22-13, Code of Ala. 1975.

(11) All objections concerning the conduct of the hearing or the admission of evidence may be stated orally or filed in writing during the hearing. The objections and responses thereto shall include a statement of the grounds for the objection and legal authority relied upon. The ruling on the objection by the Board or the Board's Hearing Officer shall be made a part of the administrative record of the hearing. Any party may make an offer of proof regarding evidence that is not admitted and may describe the general nature of the evidence offered and not admitted as part of the administrative record of the hearing.

(12) The Board or the Board's Hearing Officer may allow the parties to submit for consideration a proposed order or recommendation which includes a procedural history, proposed findings of fact, conclusions of law, and any suggested administrative punishment. The parties shall cite the appropriate pages of the hearing transcript for any proposed findings of fact.

(13) The administrative hearing shall be otherwise conducted in compliance with the provisions and in accordance with the Alabama Administrative Procedures Act, Section 41-22-12, et. seq., Code of Ala. 1975.

Author: Bob McKee

Statutory Authority: Code of Ala. 1975, §34-7A-15.

History: New Rule: Filed February 15, 2005; effective March 22, 2005.

250-X-1-.11 Penalties.

(1) The Board may, in its discretion, issue a written public or private reprimand or remove, revoke, or suspend the license of any person who violates state law or the rules and regulations of the Board.

(2) The issuance of two or more written letters of public reprimand to a licensee may serve as probable cause for the Investigative Committee to proceed with administrative charges to seek the revocation or suspension of that person's license by the Board, pursuant to an administrative hearing described in these rules.

(3) The Board may, in addition to or in lieu of other penalties, levy and collect administrative fines for violations of state law or the rules and regulations of the Board of not more than \$ 500.00 for each violation.

Author: Bob McKee

Statutory Authority: Code of Ala. 1975, §34-7A-15.

History: New Rule: Filed February 15, 2005; effective March 22, 2005.

CHAPTER 250-X-2 LICENSES

250-X-2-.01 License Fees

(1) Pursuant to its legal authority, the Board may issue personal and business licenses to qualified applicants.

(2) Business licenses may be issued to salons, schools or booths as determined by the Board.

(3) Personal licenses may be issued to any appropriate category of licensure as determined by the Board, and an appropriate fee shall be established for each license. Fees shall not exceed the following amounts:

(1) Written Examination \$ 75

(2) Practical Examination \$ 45

(3) Original License \$15

(4) Personal Renewal \$ 80

(5) Inactive Renewal \$ 35

(6) New Salon \$150.

Before Sept 1st in renewal year: \$ 100.

(7) Salon Type Change \$150

(8) Salon Renewal \$100

(9) Salon Relocation to a Different County \$150

(10) Other Salon Changes:

A. Name Change \$ 25

B. Owner Change \$ 25

D. Salon Relocation in Same County \$ 50

(11) New Booth \$ 80

Before Sept 1st in renewal year: \$ 50

(12) Booth Renewal \$ 80.

\$ 25 Charge for relocation

(13) New School \$ 300.

Before Sept 1st in renewal year: \$ 200

(14) School Renewal \$ 150

(15) Other School Changes:

A. Name Change \$ 25

B. Relocation \$ 75

C. Ownership or Controlling Interest Change \$ 25 Plus Current Financial Statement.

New Owner or Controlling Stockholder Must Appear before the Board.

(16) Reciprocity \$ 100

(17) Apprentice \$ 40

(18) Apprentice Change of Master, Salon or

Both \$ 25

(19) Shampoo Assistant Original/Renewal \$ 40

(20) Replacement License \$ 25

(21) Duplicate License for Instructors \$ 25

(22) Upgrades:

A. Manager \$ 15

B. Master \$15

(23) Late Charge \$ 25

Author: Bob McKee

Statutory Authority: *Code of AL 1975, § 34-7A-11*

History: Amended: Filed March 20, 2007; Effective June 19, 2007

250-X-2-.02

Requirement for License

Any person providing cosmetology, manicure or esthetics services to the public shall meet the requirements as set forth in Section 34-7A-22, Code of Ala. 1975, file an application with the Board, pay appropriate fee(s) and obtain a personal license.

Author: Bob McKee

Statutory Authority: Code of AL 1975, § 34-7A-7

History: Amended: Filed March 20, 2007; Effective June 19, 2007

250-X-2-.03 - Manager License

(1) A licensee may upgrade to manager in the appropriate field by paying an original license fee and showing proof of having held an active license for at least one year before application.

(2) Persons obtaining licensure by reciprocity may be accepted as manager in the appropriate field by showing proof of having held an active license for at least one year before application.

Author: Bob McKee

Statutory Authority: *Code of AL 1975, § 34-7A-22(7)*

History: Amended: Filed March 20, 2007; Effective June 19, 2007

250-X-2-.04 Master License

(1) Effective January 1, 2008 a manager with a current license may upgrade to master by paying an original license fee and completing eight (8) hours of Board approved continuing education.

(2) Licensees renewing as master for the 2007-2009 or prior license cycle must complete sixteen (16) hours of Board approved continuing education. Licensees renewing as master for the 2009-2011 and future license cycles must complete eight (8) hours of Board approved continuing education.

(3) Only a master or instructor licensee may sponsor an apprentice.

Author: Bob McKee

Statutory Authority: *Code of AL 1975, § 34-7A-22(12)*

History: Amended: Filed March 20, 2007; Effective June 19, 2007

250-X-2-.05 Instructor License To receive an instructor license a person must comply with the educational requirements set forth in Section 34-7A-1, Code of Ala. 1975, make application to the Board, pay any applicable fee(s) and pass any examination required by the Board.

Author: Bob McKee

Statutory Authority: *Code of AL 1975, §34-7A-22(3)*

History: Amended: Filed March 20, 2007; Effective June 19, 2007

250-X-2-.08 Requirements for Continuing Education Providers

(1) To receive Board approval, applications to sponsor continuing education seminars must be submitted to the Board office at least ninety (90) days before the date seminars are to be held.

(2) The Board may grant exceptions to the ninety (90) day requirement in (1) above for acts of God or extreme circumstances if seminars would have otherwise met all adopted guidelines. Requests for exceptions must be made in writing to the Board.

(3) Continuing education seminars must meet Board standards for presentation and content and must contribute directly to professional competence of attendees.

(4) Continuing education seminars must be organized in fifty (50) minute segments of continuous group participation. Each segment will be calculated as one (1) contact hour.

(5) Physical attendance at seminars is required to receive credit for continuing education.

(6) No continuing education instructor or presenter may instruct for more than four (4) hours in one day.

(7) Continuing education accepted by the proper licensing authority in other states may be accepted for credit subject to proper documentation and approval by the board.

(8) Instructors for continuing education seminars must make presentations in person. In unusual circumstances the Board may grant exceptions to this rule, and request for exceptions must be made in writing to the Board.

(9) A proper record of registration and attendance for continuing education seminars must be kept by sponsors for at least three (3) years.

(10) Applications for continuing education seminars must include the following information:

- (A) Course outline and educational objective
- (B) Course material
- (C) A biographical sketch of each instructor
- (D) The number of credit hours proposed
- (E) How to monitor registration/attendance
- (F) Where registration/attendance records will be stored.
- (G) A sample completion certificate for attendees.

(11) Providers must notify the Board office at least fifteen (15) days before cancellation or rescheduling of any scheduled continuing education seminar.

(12) Providers failing to notify the Board office of cancellation or rescheduling of any continuing education seminar will not be approved for any future continuing education seminar for at least one year from the date of the scheduled seminar which was cancelled.

(13) No member of the Board may conduct or be a provider of continuing education courses.

(14) Master and instructor licensees who complete examination rater training conducted by nationally certified instructors may receive credit for that training as continuing education requirements.

Author: Bob McKee

Statutory Authority: *Code of AL 1975, § 34-7A-3(5)*

History: Amended: Filed March 20, 2007; Effective June 19, 2007

CHAPTER 250-X-3 SALON REQUIREMENTS

250-X-3-.01 General Requirements.

(1) Proper application, payment of applicable fee and physical inspection and approval of premises by an authorized member of the Board staff are required to receive a license for a salon.

(2) A salon may provide only services for which it is licensed.

(3) Applicant must provide proof that salon will operate in a location properly zoned by the appropriate governing authority.

(4) Salon entrance and exit must comply with federal, state and local building codes.

(5) Salon must be adequately ventilated to allow proper air circulation.

(6) Premises, including walls, floors, workstations, furniture and equipment must be kept clean and free from dust. Trash must not be allowed to accumulate between clients.

(7) Salon must be adequately and safely lighted.

(8) Salon must have adequate toilet facilities either on premises or within 300 feet of entrance with at least one water closet and one sink equipped with hot and cold water. Exceptions to the 300 feet rule for toilet may be granted to salons located in shopping malls. Toilet must be equipped with proper tissue, soap dispenser with soap or other hand cleanser, waste receptacle and sanitary towels or electric wall-mounted hand dryer. Toilet/lavatory must be adequately lighted, ventilated and clean at all times.

(9) A salon may be located in a residence where not prohibited by any governing authority. Such salon must be separated from living quarters by a permanent, finished, ceiling-high partition. A separate salon entrance from living quarters entrance and a toilet/lavatory facility with a separate entrance from living quarters must be provided. Toilet/lavatory must comply with requirements of Section 250-X-3-.01-(8).

- (10) The use of a salon as a living, dining or sleeping quarters is prohibited.
- (11) Salon shall display licenses and permits consistent with the following guidelines:
- (A) Salon license must be displayed at the reception area.
 - (B) Independent contractor licenses must be posted at individual rental or work stations.
 - (C) Personal licenses must be posted at individual work stations.
 - (D) The most recent inspection report must be posted near salon license.
 - (E) Apprentice permits, examination permits and student permits must be posted at the appropriate work station.
- (12) Salon must have a copy of the most recent laws and rules of the Board readily available for employees and patrons.
- (13) No licensee shall perform any service outside the scope of practice authorized by the license held.

Author: Bob McKee

Statutory Authority: *Code of AL 1975, § 34-7A 3(4)*

History: Amended: Filed March 20, 2007; Effective June 19, 2007

250-X-3-.02

General Sanitation And Care Of Products.

- (1) No licensee shall conduct services at any location which does not meet proper health, safety and sanitation requirements. Compliance with rules of this chapter does not infer compliance with other requirements of federal, state, and local laws, codes, ordinances, and regulations.
- (2) Possession or storage of any equipment, supplies or product associated with any act of cosmetology will be prima facie evidence of use.
- (3) No licensee shall use any equipment, supplies or product banned for use by the United States Food and Drug Administration or other federal, state, or local governmental agency for cosmetology purposes.
- (4) No licensee shall use styptic pencils.
- (5) No licensee shall use methyl methacrylate or any other product considered poisonous or unsafe.
- (6) No licensee shall use any drill or other equipment, supply or product for any purpose other than that for which it was intended.
- (7) Salon must be insect, rodent and animal free except for guide or service animals of visually handicapped or otherwise physically disabled persons. Fish in sanitary and properly maintained aquariums are permitted.
- (8) No licensee shall use callous razors in any practice of cosmetology or manicure.
- (9) No licensee shall perform services on the skin or scalp of any person which is broken, inflamed, cut, abraded, eroded or infected.
- (10) No licensee shall practice microdermabrasion without documenting specific certified training approved by the Board.

- (11) No licensee shall practice photo rejuvenation, permanent makeup, electrolysis, tattoo or any other act outside the regulatory authority of the Board.
- (12) No person with an infectious or communicable disease may work in a salon licensed by the Board.
- (13) All sterilized instruments and sanitary disposable articles must be stored in clean, closed containers free of other supplies.
- (14) Cosmetics or preparations used on clients must be kept in closed containers at all times when not in use.
- (15) Salon must use containers for professional products which are designed to prevent contamination of the unused portion. All creams and bulk substances must be removed from containers with spatulas or clean tools. Bulk supplies which may be contaminated by unsanitized tools or spatulas during preparation or application of single service portions must be discarded.
- (16) Salon must use wet sanitizers with hospital grade or EPA approved disinfectant. A wet sanitizer is any receptacle with a proper cover and large enough to completely immerse items to be sanitized which contains an approved disinfectant. A hospital grade or EPA approved disinfectant shall be defined as:
- (a) For all combs, brushes, tools, metal implements, instruments with a cutting edge and implements which have not come into contact with blood or body fluids: a disinfectant which indicates on its label that it has been registered with the Environmental Protection Agency as a hospital grade bactericide, viricide and fungicide.
 - (b) For all combs, brushes, tools, metal implements, implements with a cutting edge and implements which have come into contact with blood or body fluids: a disinfectant which indicates on its label that it has been registered with the EPA as a hospital grade tuberculocidal.
- (17) All tools, implements, supplies, linens and equipment must be safely stored. Pre-sanitized tools, implements, linens and equipment must be stored in an enclosed sanitary cabinet or covered container. After use on patrons, soiled lines, implements and tools must be deposited in a closed receptacle separate from those clean and pre-sanitized.
- (18) All chemicals and products for patron use must be properly labeled and identified.
- (19) All sanitizing and sterilizing products and chemicals for patron use or cleaning must be used and stored according to the manufacturer's directions and in a manner consistent with public safety and health interests. Flammable chemicals must be stored in a flame retardant cabinet or in a well ventilated storage area away from combustible materials. Chemicals such as oxidizers, catalysts and solvents must be segregated in storage.
- (20) Chemicals requiring mixing must be mixed in a well-ventilated area at least twenty-five feet from an open flame or electrical device. Chemical saturated towels and chemical waste must be removed from work and storage areas and placed in covered containers.
- (21) Material safety data sheets (MSDS) defining product content, hazard precautions and first aid/medical treatment must be available upon request for products considered dangerous to public health.
- (22) Any comb, brush, tool or implement which cannot be cleaned and sanitized is prohibited after initial use. Immediately after use all single-use articles and disposable supplies must be disposed of in a covered container.

- (23) Any disposable material which has come in contact with blood or body fluids shall be disposed of in a sealed plastic bag.
- (24) All combs, brushes and implements must be sanitized before use on any patron.
- (25) No combs, brushes, tools or implements may be carried in licensee's pockets.
- (26) Pedicure vats must be cleansed and sanitized after each service to a patron.
- (27) During cosmetology or esthetics service a proper sanitary cover must be placed around patron's neck to avoid direct contact with protective cape.
- (28) Salon must maintain an adequate supply of linens and products for proper hygiene.

Author: Bob McKee

Statutory Authority: Code of Ala. 1975, §34-7A-3 (4)

History: Amended: Filed March 20, 2007; Effective June 19, 2007

250-X-3-.03 Salons

- (1) Cosmetology salons must maintain the following equipment or services:
 - (A) At least one shampoo bowl
 - (B) At least one shampoo chair
 - (C) At least one all purpose chair
 - (D) Sufficient hair drying facilities
 - (E) Shampoo bowls must be equipped with hot and cold water in an area designated for cosmetology services.
 - (F) For salons offering manicure, at least one manicure table with light and chair.
 - (G) For salons offering esthetics, at least one facial chair and one magnifying glass.
- (2) Esthetics salons must maintain the following equipment or services:
 - (A) At least one facial chair
 - (B) At least one magnifying lamp.
- (3) Manicure/Nail Tech salons must maintain the following equipment or services:
 - (A) At least one manicure table with proper light.
 - (B) At least one manicure chair.
- (4) Salons are required to have equipment, furnishings and implements only for the services they offer.

Author: Bob McKee

Statutory Authority: *Code of AL 1975, § 34-7A- 3(4)*

History: Amended: Filed March 20, 2007; Effective June 19, 2007

250-X-3-.06 Change Or Vacancy Of Licensee On Duty.

- (1) Salons must notify the Board of any change or vacancy in manager, master or instructor on duty.
- (2) Salons must fill a vacancy in manager, master or instructor on duty within thirty (30) days after the vacancy occurs or cease operation until replacement is acquired.

Author: Bob McKee

Statutory Authority: Code of Ala. 1975, §34-7A-3(d).

History: Amended: Filed March 20, 2007; Effective June 19, 2007

250-X-3-.07 Unlicensed personnel.

Any person, salon or corporation employing any unlicensed person to practice when a license is required by this chapter shall be guilty of a violation of this chapter and shall be subject to disciplinary action as decided by the board, which may include but not be limited to a fine as provided in the *Code of Alabama, 1975. Section 34-7A-15(2)(c)*.

Author: Bob McKee

Statutory Authority: *Code of AL 1975, § 34-9*

History: New Rule: Amended: Filed March 20, 2007; Effective June 19, 2007

250-X-3 -.08 Inspections.

(1) All salons and schools licensed by the Board are subject to periodic inspections by Board staff to monitor compliance with Alabama law and Board rules and regulations.

(2) Any portion of a multi-purpose facility licensed by the Board must comply with the same regulations and inspection requirements as any other salon licensed by the Board

(3) For inspection purposes, salons or schools with no license when one is required by law will be issued a score of zero and may be subject to disciplinary action as decided by the board, which may include but not be limited to a fine as provided in the *Code of Alabama, 1975, § 34-7A-15(c);-7A-3(4,5)*

(4) For inspection purposes, salons or schools with unlicensed personnel when a license is required by law will be issued a score of zero and may be subject to disciplinary action as decided by the board, which may include but not be limited to a fine as provided in the *Code of Alabama, 1975, § 34-7A-15(c);_7A-3(4,5)*.

(5) Salons or schools issued a score of less than 80 for any violation except for license violations on an inspection report must be re-inspected within ninety (90) days, and any salon or school receiving a score of less than 80 on a re-inspection within ninety (90) days will be in violation of the laws and regulations of the Board and may be subject to disciplinary action as decided by the board, which may include but not be limited to a fine as provided in the *Code of Alabama, 1975, §34-7A-15(c); 7A-3(4,5)*.

(6) Any deficiency noted on salon or school inspection reports must be corrected or the points for that deficiency may be increased on future inspections.

(7) Any salon or school closed by Board action because of violations must post in a conspicuous location outside the facility a sign furnished by the Board giving the reason for such closure.

Author: Bob McKee

Statutory Authority: *Code of AL 1975, § 34-7A-3(4)*

History: Amended: Filed March 20, 2007; Effective June 19, 2007

CHAPTER 250-x-4 APPRENTICES

250-x-4-.01 Requirements.

- (1) Apprentices must apply for a permit and pay the applicable fee before beginning work.
- (2) Apprentices must train under a licensed master or instructor in the appropriate field.
- (3) The sponsoring master/instructor must be licensed at the proper level during the entire period of apprenticeship.
- (4) No master/instructor may sponsor more than one apprentice at a time, and the Board must be immediately notified of any change in apprentice sponsorship.
- (5) Apprentices must pay an additional registration fee when changing sponsor.
- (6) Apprentices are limited to three (3) changes in sponsor during training.
- (7) Apprentices are allowed three (3) years to complete training.
- (8) A cosmetologist may sponsor an apprentice in any field of cosmetology, but a manicure/nail tech or esthetician may sponsor an apprentice only in the appropriate field.
- (9) Apprentices must meet requirements outlined in the *Code of Alabama 1975, Section 34-7A-22(1)*. In addition to practical training, sponsors must provide apprentices with a copy of a Board approved textbook for theory study.
- (10) Salons with apprentices or student trainees must display a clear and legible sign not less than 8" X 10" in the reception area or at work stations advising the public that services are offered by apprentices or student trainees.
- (11) Salons and sponsors are responsible for keeping a daily, monthly and accumulated total of earned apprentice hours, and sponsors must submit monthly and accumulated hours to the Board office by the fifteenth (15th) day of the month after the month in which hours are earned.
- (12) Apprentice hours received in the Board office with a postmark date later than the fifteenth (15th) day of the month after the month in which hours are earned will not be credited, and both salon and sponsoring licensee will be in violation of Board regulations and subject to a fine as provided in the *Code of Alabama 1975, Section 34-7A-15(2)(c)*.
- (13) Apprentices must become licensed within two (2) years from record of completion date of original training hours or any required additional training or repeat the entire training requirements.
- (14) Apprentices who have their apprenticeship interrupted by military service may reenroll in an apprenticeship program within one year of completion of their tour of duty and receive credit for previous hours earned.

Author: Bob McKee

Statutory Authority: *Code of AL 1975, § 34-7A-3,22*

History: Amended: Filed March 20, 2007; Effective June 19, 2007

250-X-4.02 Apprentice Permits.

(1) Salon owners and sponsors are responsible for returning temporary permits and total hours earned for discontinued apprentices.

(2) Apprentice permits are not transferable between sponsors or salons. Apprentices must apply to the Board for a new permit involving any change in salon or sponsor and pay the applicable fee.

(3) Discontinued apprentices may re-enroll in training and receive credit for hours previously credited provided curriculum is completed within three (3) years of original enrollment. A new permit and fee are applicable.

Author: Bob McKee

Statutory Authority: *Code of AL 1975, § 34-7A-3 ,22*

History: Amended: Filed March 20, 2007; Effective June 19, 2007

250-X-4.03 Apprentice Curricula.

(1) Cosmetology apprentices must complete a curriculum of not less the following requirements:

450 hours, Sanitation, Sterilization and Allied Sciences
150 hours, Skin, Facials, and Make-Up
225 hours, Manicure, Nails
150 hours, Shampoos, Rinses
300 hours, Coloring, Bleach
225 hours, Haircutting
595 hours, Hairstyling (Finger Waving, Styling, Hair Pressing, Thermal Waving)
525 hours, Permanent Waving
380 hours, Unassigned
3,000 HOURS TOTAL

(2) Esthetician apprentices must complete a curriculum of not less than the following requirements:

300 hours, Bacteriology and Sanitation, Personal Hygiene, Public Health
300 hours, History of Skin, Cell, Tissue
300 hours, Dermatology, Structure, Functions, Types, Color, Elasticity, Disorders
150 hours, Structure and Function of Human Systems
150 hours, Skin Types, Color, Nutrition
300 hours, Facial Treatments, Massage, Analysis, Preparation, Manipulations
200 hours, Electrical Current Facial Treatments, Equipment, Benefits, Safety
200 hours, Other Facial Treatments, Purpose and Effects, Safety
100 hours, Hair Removal, Depilatories, Tweezing, Waxing
300 hours, Makeup, Supplies and Implements, Preparation, Safety Procedures
100 hours, Body Wraps, Purpose and Effects, Types of Treatment, Supplies
200 hours, Business and Management Practices, Salon and Client Development
400 hours, Unassigned
3,000 HOURS TOTAL

(3) Manicure/nail technology apprentices must complete a curriculum of not less than the following requirements:

180 hours, Bacteria, Infections,
120 hours Sanitation and Disinfection
180 hours, Anatomy, Skin, Nails, Diseases and Disorders
30 hours, Nail Products
100 hours, Client Consultation, Professional Image
220 hours, Manicure, Pedicure
150 hours, Acrylic Nails
220 hours, Unassigned
1,200 HOURS TOTAL

Author: Bob McKee

Statutory Authority: Code of Ala. 1975, §34-7A-3(d), 22

History: Amended: Filed March 20, 2007; Effective June 19, 2007

250-X-5-.01 School Licensing.

(1) Any person, firm, corporation or association which either directly or indirectly receives compensation for teaching any branch of cosmetology, except for apprentice training, shall be classified as a school of cosmetology and will be required to comply with all provisions and rules and regulations of the Board.

(2) All applications for opening a school must be submitted to the Board with the proper license fee at least ninety (90) days before the school is expected to open.

(3) All applicants for opening a school must appear before the Board before approval.

(4) Educational and professional qualifications of school owners must be furnished to the Board.

(5) All schools must be inspected by an authorized representative of the Board and approved by the Board before receiving a license.

(6) If a school relocates it must furnish a floor plan and evidence of insurance acceptable to the board, and the new location must be inspected for compliance with board regulations. If the ownership of a school changes in a way that affects the controlling interest, an updated financial statement must be furnished to the board and the controlling owner or stockholder must appear before the board. Name changes, location changes or ownership changes may be subject to a fee to cover administrative costs.

(7) School licenses and all instructor licenses must be displayed in a conspicuous place in school office.

Author: Bob McKee

Statutory Authority: *Code of AL 1975, § 34-7A-13*

History: Amended: Filed April 18, 2007; Effective July 11, 2007

250-X-5-.02 School Requirements.

- (1) The Board must be furnished a statement by the proper zoning authority that the school will be located in an area approved for operation of a school. If there is no appropriate zoning authority, a statement to that effect must be furnished to the Board.
- (2) A personal financial statement and a \$ 25,000 letter of credit is required to open and operate a school.
- (3) A bond in the amount of \$ 5,000 in favor of the State of Alabama underwritten by a company authorized to do business in Alabama is required to open and maintain a school.
- (4) A liability insurance policy for at least five hundred thousand (\$500,000) dollars is required to open and maintain a school.
- (5) To begin operations, a day school must have the names and addresses of at least (20) twenty prospective students, and to continue operations, a school must maintain an average of at least (10) ten enrolled students during the school's academic year. The number of students must be verified by affidavits from students.
- (6) Night schools must have the names and addresses of at least ten (10) prospective students, and to continue operations, a night school must maintain an average of at least five (5) enrolled students during the school's academic year. The number of students must be verified by affidavits from students.
- (7) Any existing school which wishes to expand operations at the same physical location must notify the board in writing and meet student and instructor requirements provided in this section.
- (8) All night schools must maintain at least one full time instructor and one on-call instructor for up to twenty (20) students.
- (9) Each school must furnish the Board a copy of its standard contract for students.
- (10) Each school must furnish the Board a copy of all financial forms relating to tuition, grants and scholarships.
- (11) Any school terminating operations must:

 - (A) Inform the Board at least thirty (30) working days prior to anticipated date of termination;
 - (B) Provide certified student records to the Board in a format approved by the Board on or before the last day of operation;
 - (C) Provide each current student a certified transcript of hours completed, and for which the school has been compensated;
 - (D) Refund any unearned tuition to students;
 - (E) Transfer to new owner all certified student records if the school is being sold or transferred.

(12) All schools must maintain at least 1,200 square feet inside wall dimensions of floor space to accommodate twenty (20) students. For each additional student over twenty (20) an additional fifteen (15) square feet of floor space is required.

(13) Schools must be completely segregated from any other type business by a solid wall from ceiling to floor without an opening of any type.

(14) Booths in work areas must be open and provide a clear view of students at work.

(15) Schools must be housed in a facility that is clean, properly lighted and ventilated and complies with all applicable health and building codes.

(16) An inventory of all equipment to be used in the school must be provided to the board with an affidavit stating that all equipment is owned by the school.

(17) Schools with less than twenty (20) students must maintain on staff at least one full-time instructor and one on-call instructor. For each additional twenty (20) students or fraction thereof, one additional full-time instructor must be provided on staff.

(18) The same person cannot be the on-call instructor for two schools.

Author: Bob McKee

Statutory Authority: *Code of AL 1975, § 34-7A-3(d)*

History: Amended: Filed March 20, 2007; Effective June 19, 2007

250-X-5-.03 School Curriculum

(1) All schools must establish and maintain a course of study consistent with standards set by the Board. Public schools are expected to set curricula under guidelines of their governing authority consistent with Board policies.

(2) Day schools must conduct at least six hours of theory classes each week, but not more than three hours in any day.

(3) Night schools must conduct at least three hours of theory classes each week, but not more than one and one half hours in any evening.

(4) Students will receive credit only for training physically conducted at a properly licensed school.

Author: Bob McKee

Statutory Authority: *Code of AL 1975, § 34-7A-3(d)*

History: Amended: Filed March 20, 2007; Effective June 19, 2007

250-X-5-.04 School Instructors.

- (1) All services performed for the general public by instructors and instructor trainees must be without charge for demonstration purposes only, with students observing, and must directly relate to the practical curriculum offered by schools in the appropriate field.
- (2) Instructors may demonstrate work only in their appropriate field.
- (3) Instructors and school owners are jointly responsible for notifying the Board when an instructor transfers to another school or is terminated for any reason.
- (4) If an instructor who is necessary to maintain minimum school requirements transfers or is terminated, the school must replace that instructor within thirty (30) days of the date such transfer or termination occurs.
- (5) Any instructor with a current license may serve as manager.
- (6) Instructors must complete at least sixteen (16) hours of Board approved continuing education during each licensing cycle to maintain instructor license status.
- (7) Instructor trainees must have the equivalent of twelve (12) grades in school, hold a current license and be properly registered with the board.
- (8) Instructor trainees must either:
 - (A) Complete 1,563 hours of instructor training in a registered or licensed school in the appropriate field;
 - (B) Or document at least one (1) year of full time work as a licensee in the appropriate field in a salon licensed in the appropriate field, and afterward complete 650 hours of instructor training in a licensed or registered school in the appropriate field.
- (9) Instructor trainees may instruct only in the presence of a licensed instructor.
- (10) Before enrolling as an instructor trainee an applicant must hold license in appropriate field.
- (11) Instructor trainees must pass appropriate examination to be licensed as an instructor.
- (12) Instructor trainees are responsible for scheduling their own examinations.
- (13) Each school must have one instructor for every two instructor trainees enrolled.
- (14) A licensed instructor is not required to renew a lesser license for teaching in a school. Instructors who teach in school and practice in a salon must post a license in each location. Only one license fee is applicable for such instructors.
- (15) A student instructor may not receive credit for courses completed in a school which that person owns.

Author: Bob McKee

Statutory Authority: *Code of AL 1975, § 34-7A-3(d)*

History: Amended: Filed March 20, 2007; Effective June 19, 2007

250-X-5-.06 General Rules for Schools

(1) Schools are not allowed to promise students guaranteed employment after completion of training

(2) No student may be called from theory class to perform service for the public.

(3) Any demonstration of new processes or products to students must be made in the presence of instructors on staff at the school.

(4) All schools must keep a record of daily attendance, daily, monthly and cumulative totals of hours earned by students, and furnish the Board a certified copy of hours within thirty (30) days after students finish training or leave school.

(5) No school may prepare food for resale.

(6) No school may charge public for student services before students complete 15% of their training.

(7) No school may pay a student, instructor trainee or instructor for service performed on the public.

(8) All schools must hold both written and practical examinations on a regular basis, including content of Board law and regulations.

(9) No school may prohibit a member of the Board or an authorized representative of the Board from conducting an inspection of the school premises, personnel or student records at any time during regular business hours.

(10) Schools are allowed to set their own rules for absenteeism and tardiness.

(11) When students complete appropriate hours of training, schools must submit a record of completion form certifying students for examinations.

(12) Students must become licensed with the Board within two (2) years after completing prescribed training hours or any required additional training. Students not licensed within this time must return to school and repeat the appropriate hours of training before being eligible for examination.

(13) Students having training interrupted by service in the United States military may reenroll in school within one year after completion of their tours of duty and get credit for previous hours earned.

(14) No student may be enrolled in more than one school at the same time.

(15) Schools may use students to perform services for the public for a fee and advertise for such services provided that:

(A) Any advertisement states in bold legible print that students are performing the services; and

(B) In all areas where students are performing services for the public, legible signs of appropriate size must be posted notifying public that students are being used to perform services.

Author: Bob McKee

Statutory Authority: *Code of AL 1975, § 34-7A-3(d)*

History: Amended: Filed March 20, 2007; Effective June 19, 2007

250-X-5-.07 School Equipment and Supplies.

(1) Schools must provide a dispensing room which contains a lavatory or sink, bottles and containers distinctly and correctly labeled, a large wet sterilizer, adequate supplies of clean towels, linens.

(2) Schools must provide a separate room for demonstration and study equipped with adequate visual teaching aids, chairs and /or desks for student use.

(3) Schools must provide a reference library stocked with up to date books and materials recommended by the Board for instruction. A copy of the most recent version of Board's law and regulations with any amendments must also be included in library.

(4) Schools must provide a proper wet sanitizer at each student work station.

(5) Schools must provide adequate lockers for student use.

(6) School restroom may not be used for storage.

(7) Schools must provide adequate office equipment for maintaining student records.

Author: Bob McKee

Statutory Authority: *Code of AL 1975, § 34-7A-3(d)*

History: Amended: Filed March 20, 2007; Effective June 19, 2007

250-X-5-.08 Cosmetology Schools.

The following minimum equipment and supplies are required for a school of cosmetology to become licensed:

- (A) Five (5) shampoo bowls
- (B) Three (3) facial chairs
- (C) Ten (10) dryers
- (D) Two (2) manicure tables
- (E) Ten (10) styling chairs
- (F) Seven (7) mannequins
- (G) Reference books, charts and equipment necessary to teach required curriculum.
- (H) An adequate quantity of cosmetology, manicuring, esthetics, sanitation and sterilization supplies for student training.

Author: Bob McKee

Statutory Authority: *Code of AL 1975, § 34-7A-13*

History: New Rule: Effective Sept 6, 2005; **Amended:** Filed March 20, 2007

250-X-5-.09 Manicure Schools.

The following minimum equipment and supplies are required for a school of manicure to become licensed:

- (A) Six (6) manicure tables
- (B) Reference books, charts and equipment necessary to teach required curriculum.
- (C) An adequate quantity of manicure, nail technology, sanitation and sterilization supplies for student training.

Author: Bob McKee

Statutory Authority: *Code of AL 1975, § 34-7A-13*

History: Amended: Filed March 20, 2007; Effective June 19, 2007

250-X-5 -.10 Esthetics Schools.

The following minimum equipment and supplies are required for an esthetics school to become licensed:

- (1) Six (6) facial treatment chairs, hydraulic chairs or treatment tables.
- (2) Six (6) esthetician stools.
- (3) Three (3) facial vaporizers
- (4) Three (3) Woods lamps
- (5) Three (3) footed magnifying lamps
- (6) One (1) electric wax heater
- (7) Six (6) utility tables or one adequate sized continuous counter top.
- (8) Three (3) high frequency apparatuses
- (9) One (1) galvanic or faradic/sinusoidal apparatus

Author: Bob McKee

Statutory Authority: *Code of AL 1975, § 34-7A-3(b)*

History: New Rule: Filed March 20, 2007; Effective June 19, 2007

250-X-5--.11 Student Requirements.

(1) Student enrolment records must be received by the Board within seven (7) days after students enroll. Any hours earned before the Board receives proper enrolment forms will not be credited.

(2) To enroll in school, a student must:

- (A) Be at least sixteen (16) years old, documented by birth certificate, school records, driver's license, or insurance policy at least 5 years old.
- (B) Furnish proof of having completed 10 grades in school or the equivalent.

(3) Students who complete 70% of their training may receive a permit to work in a licensed salon in the appropriate field when school is not in session. All other training must be physically conducted at a properly licensed school.

(4) Under (3) above, one student will be allowed for the first Master or Manager in a salon and one additional student will be allowed for each additional three licensees on staff.

(5) Hours earned in a salon by students may not be credited toward required training hours.

(6) Permits for students who work in salons will expire six months after date of issue.

(7) Earned student hours may be transferred between registered or licensed schools for up to one year from the date of last earned hours.

Author: Bob McKee

Statutory Authority: *Code of AL 1975, § 34-7A-13*

History: New Rule: Filed March 20, 2007; Effective June 19, 2007

250-X-6-.01 Candidate Examinations.

- (1) Candidates for licensure must meet requirements of this chapter, make application, pay the appropriate examination fee and pass the appropriate examination.
- (2) Candidates furnishing proof of eligibility for licensure examination must receive a temporary work permit before performing services for the public.
- (3) Temporary permits expire thirty (30) days after the date of the examination for which candidates are scheduled.
- (4) Candidates failing the examination on the first attempt will be issued a new temporary permit which will expire thirty (30) days after the date of the examination for which candidates are scheduled.
- (5) Candidates failing both the written and practical examinations on the first attempt must repeat and pass both examinations to become licensed by the Board.
- (6) Candidates failing either the written or practical examination on the first attempt are required to repeat and pass only the examination which they failed.
- (7) Candidates failing either the written or practical examination on a second attempt must take the following action:
 - (A) Complete 375 hours of training in the appropriate school before reapplying and completing both practical and written examinations;
 - (B) Or complete 600 hours of training in a salon licensed in the appropriate field before reapplying and completing both practical and written examinations.
 - (C) Instructor candidates must enroll in school for 650 hours of appropriate training before reapplying and completing both practical and written examinations.
- (8) Candidates must enroll for the required additional training within one (1) year of notification of last failure of the appropriate examination or complete the full original requirements of training for licensure.
- (9) Candidates for licensure must furnish their own supplies and implements for any practical examination.
- (10) A grade of at least 70% is required to pass licensure examinations, except for instructor examinations which require a grade of at least 80% to pass.
- (11) Candidates who cancel a scheduled examination or fail to appear for a scheduled examination must pay a rescheduling fee unless the cancellation or failure to appear was caused by an emergency or act of God.
- (12) No member of the Board who is a school owner in any branch of cosmetology or an instructor in either a public or private school in any branch of cosmetology may attend rater training for candidate examinations or actively participate in rating candidates. However, such Board members may read instructions for candidate examinations.

Author: Bob McKee

Statutory Authority: *Code of AL 1975, § 34-7A-3(d)*

History: Amended: Filed March 20, 2007; Effective June 19, 2007